

United States Department of Agriculture
FOOD AND DRUG ADMINISTRATION
NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30251-30375

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 27, 1939]

30251. Adulteration of frozen lobster tails. U. S. v. 141 Boxes of Lobster Tails. Default decree of condemnation and destruction. (F. & D. No. 44716. Sample Nos. 8148-D, 44120-D.)

This product, at the time of examination, was found to be in part decomposed.

On January 25, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 141 boxes of lobster tails at New York, N. Y.; alleging that the article had been shipped on or about March 23, 1938, by Hout Bay Canning Co., Ltd., from Capetown, South Africa; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Selected Frozen Cap Spiny Lobster Tails * * * Rising Sun Brand."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On February 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30252. Adulteration of frozen fish. U. S. v. 510 Boxes of Red Perch Fillets (and 1 other seizure action against a similar product). Default decrees of condemnation and destruction. (F. & D. Nos. 44721, 44776. Sample Nos. 31886-D, 31888-D, 42946-D, 42947-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination, samples were found to contain parasitic worms; others showed decomposition.

On January 24 and February 3, 1939, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 728 boxes of frozen fish at Pittsburgh, Pa.; alleging that the article had been shipped within the period from on or about December 28, 1938, to on or about January 19, 1939, by Great Atlantic & Pacific Tea Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Red Perch Fillets" or "Pole Star Fillets."

It was alleged to be adulterated in that one shipment consisted wholly or in part of a filthy animal substance and the other consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 28 and March 25, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30253. Adulteration of flour. U. S. v. 51 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44109. Sample No. 38165-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages, at the time of examination was found to be insect-infested.

On October 8, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended October 11, 1938) praying seizure and condemnation of 51 bags of flour at Dothan, Ala.; alleging that the article had been shipped in part on or about July 30, and in part on or about August 27, 1938, by Theo. Stivers Milling Co. from Rome, Ga.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clear Acme-Evans Company."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30254. Adulteration of flour. U. S. v. 27 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44125. Sample No. 38164-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 11, 1938, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 bags of flour at Dothan, Ala.; alleging that the article had been shipped by the Sperry Flour Co. from San Francisco, Calif.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30255. Adulteration of flour. U. S. v. 83 Bags of Flour. Default decree of condemnation and destruction. (F. & D. No. 44218. Sample No. 34507-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be insect-infested.

On October 24, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83 bags of flour at Wilmington, N. C.; alleging that the article had been shipped on or about December 28, 1937, by Pillsbury Flour Mills Co. from Springfield, Ill.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Pillsbury's Springmor Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On February 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30256. Adulteration of candy. U. S. v. Bonomo Candy & Nut Corporation and Victor A. Bonomo. Pleas of guilty. Corporation fined \$600; Victor A. Bonomo placed on probation for 2 years. (F. & D. No. 42574. Sample Nos. 9616-D, 9861-D, 10500-D.)

Samples of this product were found to contain insect fragments, rodent hairs, and other filth.

On December 8, 1938, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bonomo Candy & Nut Corporation, Brooklyn, N. Y., and Victor A. Bonomo, president of the said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act within the period from on or about February 14 to on or about February 25, 1938, from the State of New York into the States of Pennsylvania and Delaware of quantities of candy that was adulterated. It was labeled in part, "Nutty Fruit-Rolls."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On December 14, 1938, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$600 against the corporation. Sentence was suspended as to Victor A. Bonomo and he was placed on probation for 2 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*